

**GENERAL PERMIT 047
CITY OF LOGAN
DISCHARGES OF DREDGED OR FILL MATERIAL
AND EXCAVATION ASSOCIATED WITH SPECIFIED WORK
IN THE 1000 WEST INDUSTRIAL CORRIDOR A
SPECIAL AREA MANAGEMENT PLAN**

EFFECTIVE DATE:
3 February 2000

EXPIRATION DATE:
3 February 2005

TO WHOM IT MAY CONCERN:

The District Engineer, Sacramento District, U.S. Army Corps of Engineers, hereby authorizes the discharge of dredged or fill material and excavation in waters of the United States within the 1000 West Industrial Corridor.

Location: Within a one-half mile wide corridor centered on 1000 West between 300 South and 1800 North, Logan City.

Authorized Material: Authorized materials include clean fill material such as rock, gravel, broken concrete, soils etc. Materials not authorized to be placed in wetlands are asphalt, construction debris, wood, trash, etc.

Duration of General Permit: This General Permit will be in effect for five years.

Excluded Waterways or Wetlands: Excluded from this General Permit are those waterways and wetlands which are areas designated as unsuitable for the discharge of fill material and within the proposed buffer areas. The City will not grant any building permits for these areas even if the proposed project does not require a 404 permit. This policy will provide protection of the proposed buffer areas even if the proposed development activity does not fall under the jurisdiction of the Corps of Engineers.

Definitions:

- a. Discharge of dredged material - this term means any addition of dredged material into waters of the United States. The term includes, without limitation, the addition of dredged material to specified discharge sites located in waters of the United States and the runoff or overflow from a contained land or water disposal areas.
- b. Fill material - this term means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body or wetland.
- c. Discharge of fill material - this term means the addition of fill material in waters of the United States which includes excavation activities.
- d. Wetlands - this term means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Special Conditions:

1. The developer shall submit to the Corps of Engineers a notification and map of the wetland areas to be filled, a description of the amount and type of fill material to be used and a description of the mitigation activities to be implemented to compensate for unavoidable impacts to wetlands on the project site. This information will be submitted at least 30 days prior to initiation of the work for Corps approval. The description shall include:

- a. responsible official's name, address, and telephone number, location of the proposed activity, and volume and type of material to be placed on wetlands.
- b. identification of the wetlands unsuitable for the discharge of fill material and proposed buffer areas within the property proposed for development.
- c. total avoidance of project impacts to wetlands designated as unsuitable for fill and buffer areas. Adjustment of project plans to avoid all other wetlands on the property to the extent practicable while maintaining the project purpose must be accomplished.
- d. development of plans to provide mitigation for unavoidable wetland impacts. Of first priority will be the restoration and enhancement of on-site wetlands designated as unsuitable for the discharge of fill material. As part of such enhancement, contiguous wetlands will be created and screening vegetation will be planted within the proposed buffer areas associated with those wetlands. Second priority will be assigned to restoration and enhancement of other on-site wetlands within the property to be developed. Third priority will be assigned to the restoration and enhancement of off-site wetlands at the applicants discretion and the final priority will be assigned to the creation of off-site wetlands as mitigation. Off-site wetland creation may include the use of mitigation provided by the city-sponsored wetland mitigation at the site adjacent to the landfill.

2. The City of Logan will not issue building permits for areas designated as unsuitable for the discharge of fill material and within buffer areas. An overlay of the areas unsuitable for the discharge of fill material and the buffer areas will be developed to aid in communication with developers and planners.

3. All mitigation associated with the Special Area Management Plan will be completed concurrent with or prior to the development within the corridor.

4. Logan City will contact Mr. Rory Reynolds with the Division of Wildlife Resources at (801) 479-5143 and resource agencies to coordinate the mitigation planning.

5. All mitigation wetlands will be monitored at least annually for five years following completion. A monitoring report containing photos from fixed reference points, and a written description of the wetlands development must be prepared. This report must be submitted to the Corps of Engineers, Utah Regulatory Office by August 30, of each year.

6. Activities authorized by this general permit must not effect any threatened or endangered species.

7. In the event the permittee encounters an archaeological or historic site during construction of an activity authorized by this general permit, the permittee shall report the find to the Utah State Historical Society, Division of State History, at (801-533-3500), and the Corps' Utah Regulatory Office.

8. The permittee shall exercise every reasonable precaution to protect the waters of the United States from pollution by contaminants or by turbidity and silting during and after construction.

9. Mitigation debits and credits report must be submitted to the Corps of Engineers, Utah Regulatory Office by August 30 of each year. This report shall contain areas of wetlands which have been created by the city, the project for which wetlands were mitigated, or the debits for wetlands which have been filled illegally in the past. Mitigation for fills placed in wetlands before this general permit was issued must be completed within two years after the permit was issued.

10. Conditions and plans are included in this permit in the Special Area Management Plan dated March 1994 for the 1000 West Industrial Corridor. If there are any changes in the project plans the permittee will send these changes to the Army Corps of Engineers Utah Regulatory Office for approval before any work is done.

11. A team of resource agencies will be used to recommend how mitigation credits are approved. The Corps will make the final decision on how many credits will be approved.

12. The permittee or developer will place all mitigation sites into a permanent conservation easement, which will be approved by the Corps, Utah Regulatory Office to guarantee habitat preservation in perpetuity via deed restrictions. This will be to offset unavoidable impacts to the wetlands. The restrictions shall include (but not be limited to) no grazing of cattle; and no placing within the Buffer Areas of any permanent structure, nonindigenous vegetation or fill material. The deed shall state, "The Conservation Easement shall be a perpetual easement which runs with the land and which shall be binding on all parties having or acquiring any right, title or interest in or to any portion of the Conservation Easement, whether or not such parties have actual notice of the provisions of the Conservation Easement."

Standard Conditions:

1. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and condition of this permit which may result in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended, or revoked in whole or in part.

2. That all activities authorized herein shall be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Section 301, 302, 306, and 307 of the Federal Water Pollution Act of 1972 (PL 92-500; 86 Stat 816), or pursuant to applicable state and local law.

3. That all activities authorized herein shall, if applicable water quality standards are revised or modified during the term of this permit, be modified if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

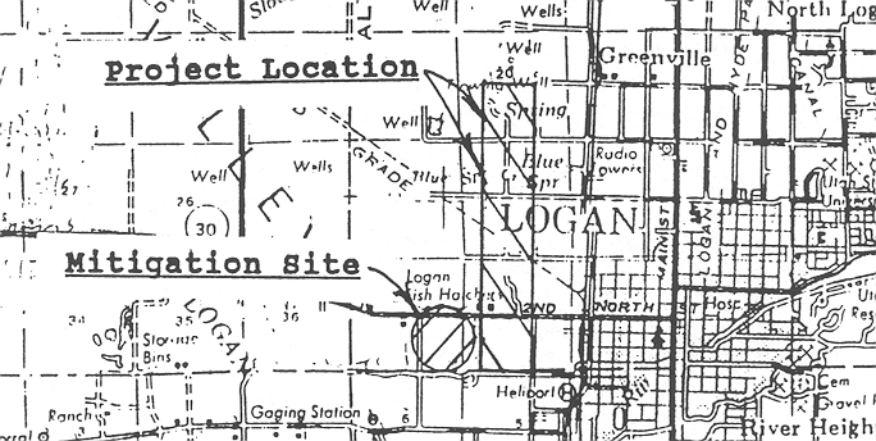
4. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values.
5. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
6. That the permittee shall maintain the work authorized herein in good condition and in accordance with submitted plans and drawings.
7. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.
8. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensations for damage or injury to the work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
9. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of an activity would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (a) the extent of a suspension, (b) the reasons for this action, and (c) any corrective or preventive measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of the notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his activity should be permitted, modified, or terminated. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the activity will either be permitted, modified, or terminated.
10. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.
11. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.
12. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.
13. That, if and when the permittee desires to abandon the activity authorized herein, he must restore the area to a condition satisfactory to the District Engineer.

/s/

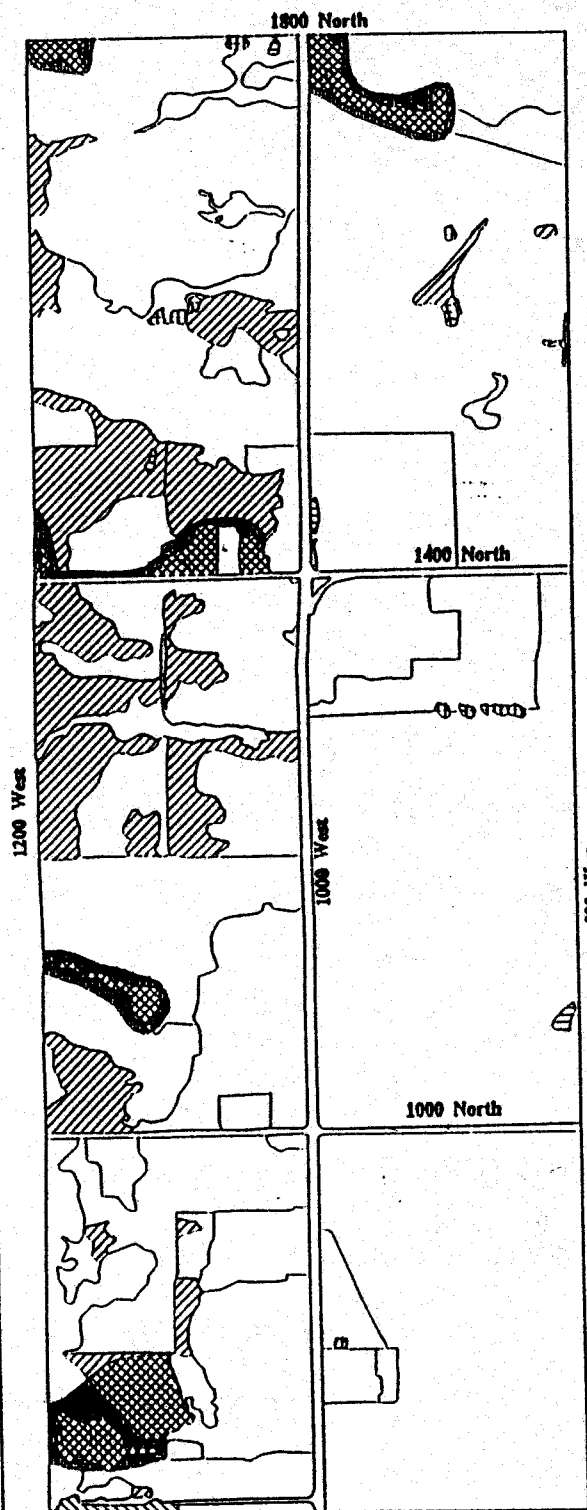
Arthur M. Champ
Chief, Regulatory Branch

Project Location

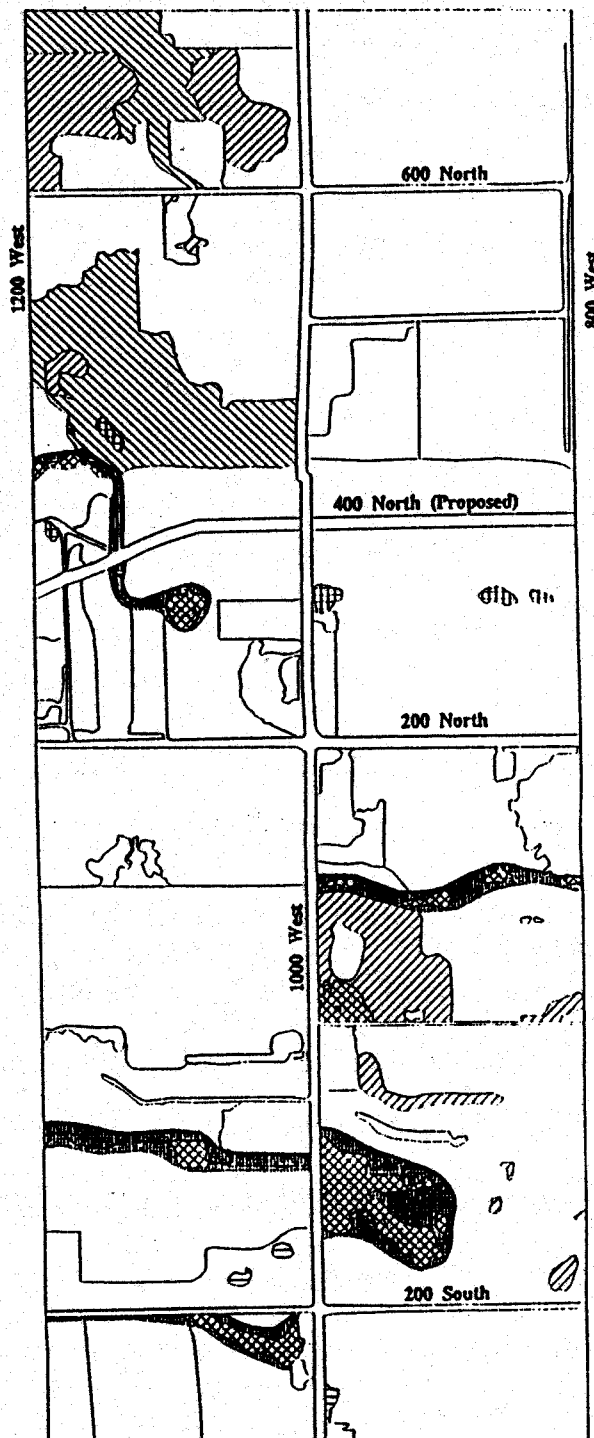
Mitigation Site



Proposed Management Status of Tenth West Corridor Wetlands

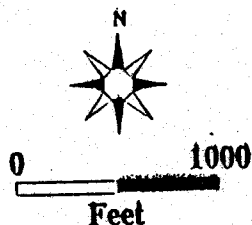


A) Northern Area





B) Southern Area

Figure 3.



Areas Designated as Unsuitable for Fill

-  Wetlands
-  Proposed Buffer Areas

Areas Not Designated as Unsuitable for Fill

-  Pond
-  Marsh
-  Wet Meadow
-  Nonirrigated Mesic Meadow
-  Trees

GP No. 47
Logan city
Cache County
sheet 2 of 3

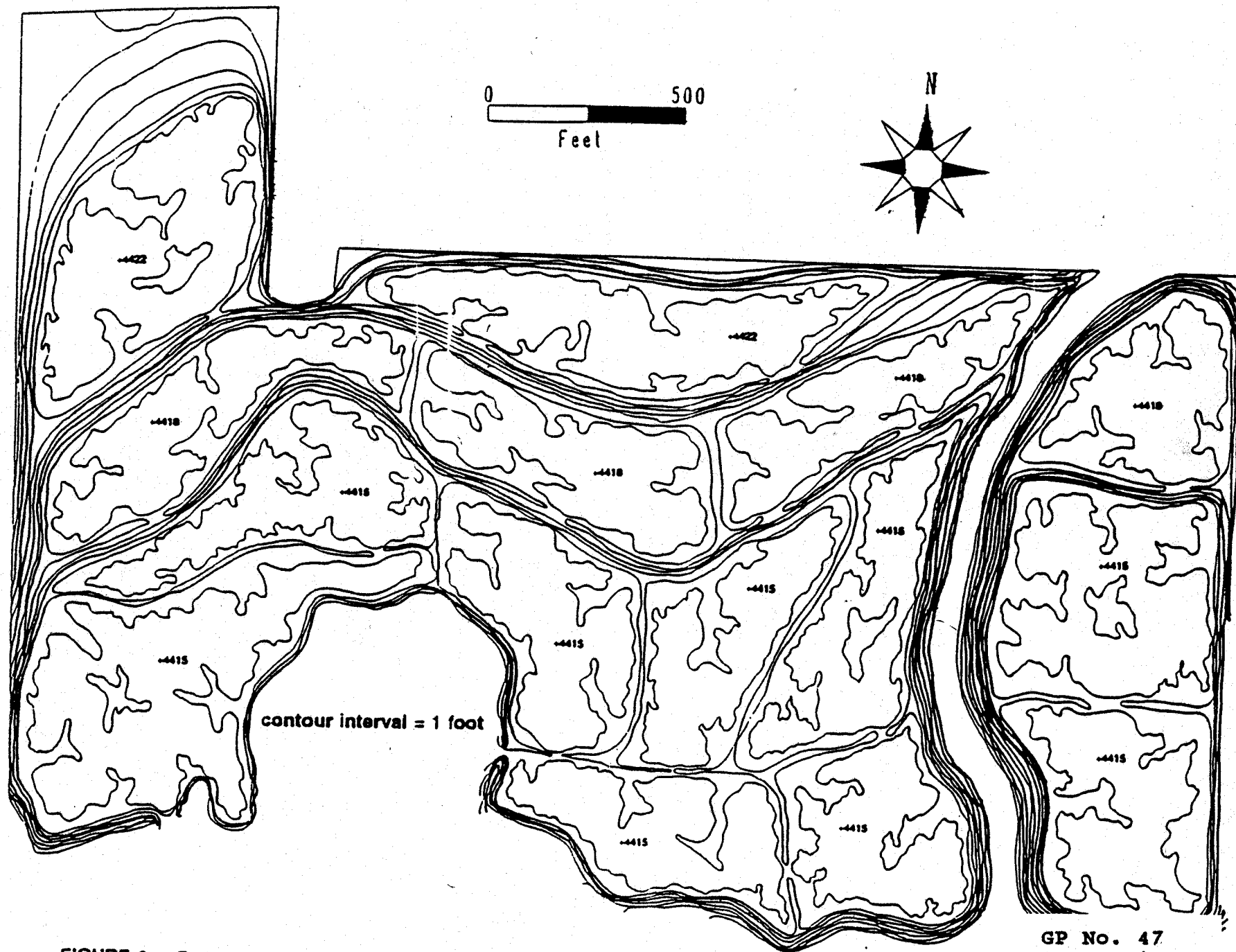


FIGURE 9a. Proposed topography on wetland mitigation site.

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